

SENATE BILL No. 59

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-7-13-3; IC 3-8; IC 3-9-1-5.5.

Synopsis: Various election issues. Provides that an individual who will meet the age and residency requirements on the date of the next general, municipal, or special election may vote for precinct committeeman and state convention delegate elected at a primary election. Increases, from \$500 to \$1,000, the contribution and expenditure threshold at which certain candidates must file campaign finance reports.

Effective: July 1, 2015.

Miller Pete

January 6, 2015, read first time and referred to Committee on Elections.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 59

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-7-13-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) This section applies to a
3 person who:
4 (1) on the day of the next general, municipal, or special election,
5 will meet the age and residency requirements of section 1 of this
6 chapter; and
7 (2) does not meet the age or residency requirements on primary
8 election day.
9 (b) A person described in subsection (a) may not cast a ballot:
10 (1) for candidates for
11 (A) elected offices;
12 (B) precinct committeeman; or
13 (C) state convention delegate; or
14 (2) on public questions;
15 to be voted on at the same time that the primary election is conducted.
16 SECTION 2. IC 3-8-2-2.5, AS AMENDED BY P.L.76-2014,



SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.5. (a) A person who desires to be a write-in candidate for a federal, state, legislative, or local office or school board office in a general, municipal, or school board election must file a declaration of intent to be a write-in candidate with the officer with whom declaration of candidacy must be filed under sections 5 and 6 of this chapter.

(b) The declaration of intent to be a write-in candidate required under subsection (a) must be signed before a person authorized to administer oaths and must certify the following information:

(1) The candidate's name must be printed or typewritten as:

(A) the candidate wants the candidate's name to be certified;
and

(B) the candidate's name is permitted to appear under IC 3-5-7.

(2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) The candidate's party affiliation or a statement that the candidate is an independent candidate (not affiliated with any party). The candidate may not claim affiliation with any political party described by IC 3-8-4-1.

(5) A statement of the candidate's intention to be a write-in candidate, the name of the office, including the district, and the date and type of election.

(6) If the candidate is a candidate for the office of President or Vice President of the United States, a statement declaring the names of the individuals who have consented and are eligible to be the candidate's candidates for presidential electors.

(7) The following statements:

(A) A statement that the candidate has attached either of the following to the declaration:

(i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.

(ii) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.

This requirement does not apply to a candidate for a federal office.

(B) A statement that the candidate understands that if the



candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

(C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

(D) A statement that the candidate:

(i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(ii) agrees to comply with the provisions of IC 3-9.

This requirement does not apply to a candidate for a federal office.

The candidate must separately initial each of the statements required by this subdivision.

(8) A statement as to whether the candidate has:

(A) been a candidate for state or local office in a previous primary or general election; and

(B) filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of intent to be a write-in candidate under section 4 of this chapter.

(10) If the candidate is subject to IC 3-9-1-5.5, a statement that the candidate is required to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than ~~five hundred one thousand~~ dollars ~~(\$500)~~ **(\$1,000)** in contributions.

(B) The candidate makes more than ~~five hundred one thousand~~ dollars ~~(\$500)~~ **(\$1,000)** in expenditures.

(11) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency



requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(12) The candidate's signature and telephone number.

(c) At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate is considered a candidate for all purposes.

(d) A write-in candidate must comply with the requirements under IC 3-8-1 that apply to the office to which the write-in candidate seeks election.

(e) A person may not be a write-in candidate in a contest for nomination or for election to a political party office.

(f) A write-in candidate for the office of President or Vice President of the United States must list at least one (1) candidate for presidential elector and may not list more than the total number of presidential electors to be chosen in Indiana.

(g) The commission shall provide that the form of a declaration of intent to be a write-in candidate includes the following information:

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(h) A declaration of intent to be a write-in candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of intent to be a write-in candidate. If there is a difference between the name on the candidate's declaration of intent to be a write-in candidate and the name on the candidate's voter registration record, the officer with whom the declaration of intent to be a write-in candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of intent to be a write-in candidate.

SECTION 3. IC 3-8-2.5-2.5, AS AMENDED BY P.L.76-2014, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.5. (a) A petition of nomination for a school board office must state all of the following:

(1) The name of each candidate as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot



- 1 under IC 3-5-7.
- 2 (2) The address of each candidate, including the mailing address,
- 3 if different from the residence address of the candidate.
- 4 (3) The school board office that each candidate seeks.
- 5 (4) That each petitioner is a qualified registered voter and desires
- 6 to be able to vote for the candidates listed on the petition.
- 7 (b) The petition of nomination must be accompanied by the
- 8 following:
- 9 (1) The candidate's written consent to become a candidate.
- 10 (2) A statement that the candidate:
- 11 (A) is aware of the provisions of IC 3-9 regarding campaign
- 12 finance and the reporting of campaign contributions and
- 13 expenditures; and
- 14 (B) agrees to comply with the provisions of IC 3-9 referred to
- 15 in clause (A).
- 16 The candidate must separately sign the statement required by this
- 17 subdivision.
- 18 (3) A statement by the candidate that the candidate is aware of the
- 19 requirement to file a campaign finance statement of organization
- 20 under IC 3-9 after the first of either of the following occurs:
- 21 (A) The candidate receives more than ~~five hundred one~~
- 22 **thousand** dollars (~~\$500~~) (**\$1,000**) in contributions.
- 23 (B) The candidate makes more than ~~five hundred one~~
- 24 **thousand** dollars (~~\$500~~) (**\$1,000**) in expenditures.
- 25 (4) A statement indicating whether or not each candidate:
- 26 (A) has been a candidate for state, legislative, local, or school
- 27 board office in a previous primary, municipal, special, or
- 28 general election; and
- 29 (B) has filed all reports required by IC 3-9-5-10 for all
- 30 previous candidacies.
- 31 (5) A statement that each candidate is legally qualified to hold the
- 32 office that the candidate seeks, including any applicable residency
- 33 requirements and restrictions on service due to a criminal
- 34 conviction.
- 35 (6) Any statement of economic interests required under IC 3-8-9.
- 36 SECTION 4. IC 3-8-6-12, AS AMENDED BY P.L.76-2014,
- 37 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2015]: Sec. 12. (a) A petition of nomination for an office filed
- 39 under section 10 of this chapter must be filed with and, except as
- 40 provided in subsection (d), certified by the person with whom a
- 41 declaration of candidacy must be filed under IC 3-8-2.
- 42 (b) The petition of nomination must be accompanied by the



- 1 following:
- 2 (1) The candidate's written consent to become a candidate.
- 3 (2) The following statements:
- 4 (A) A statement that the candidate has attached either of the
- 5 following to the petition:
- 6 (i) A copy of a statement of economic interests, file stamped
- 7 by the office required to receive the statement of economic
- 8 interests.
- 9 (ii) A receipt or photocopy of a receipt showing that a
- 10 statement of economic interests has been filed.
- 11 This requirement does not apply to a candidate for a federal
- 12 office.
- 13 (B) A statement that the candidate understands that if the
- 14 candidate is elected to the office, the candidate may be
- 15 required to obtain and file an individual surety bond before
- 16 serving in the office. This requirement does not apply to a
- 17 candidate for a federal office or legislative office.
- 18 (C) A statement that the candidate understands that if the
- 19 candidate is elected to the office, the candidate may be
- 20 required to successfully complete training or have attained
- 21 certification related to service in an elected office. This
- 22 requirement does not apply to a candidate for a federal office,
- 23 state office, or legislative office.
- 24 (D) A statement that the candidate:
- 25 (i) is aware of the provisions of IC 3-9 regarding campaign
- 26 finance and the reporting of campaign contributions and
- 27 expenditures; and
- 28 (ii) agrees to comply with the provisions of IC 3-9.
- 29 This requirement does not apply to a candidate for a federal
- 30 office.
- 31 The candidate must separately initial each of the statements
- 32 required by this subdivision.
- 33 (3) If the candidate is subject to IC 3-9-1-5, a statement by the
- 34 candidate that the candidate has filed a campaign finance
- 35 statement of organization under IC 3-9-1-5 or is aware that the
- 36 candidate may be required to file a campaign finance statement of
- 37 organization not later than noon seven (7) days after the final date
- 38 for filing a petition for nomination under section 10 of this
- 39 chapter.
- 40 (4) If the candidate is subject to IC 3-9-1-5.5, a statement by the
- 41 candidate that the candidate is aware of the requirement to file a
- 42 campaign finance statement of organization under IC 3-9 after the



first of either of the following occurs:

(A) The candidate receives more than ~~five hundred one thousand~~ dollars ~~(\$500)~~ **(\$1,000)** in contributions.

(B) The candidate makes more than ~~five hundred one thousand~~ dollars ~~(\$500)~~ **(\$1,000)** in expenditures.

(5) A statement indicating whether or not each candidate:

(A) has been a candidate for state or local office in a previous primary or general election; and

(B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.

(8) Any statement of economic interests required under IC 3-8-1-33.

(c) The statement required under subsection (b)(7) must:

(1) be certified by each circuit court clerk; and

(2) indicate the number of votes cast for secretary of state:

(A) at the last election for secretary of state; and

(B) in the part of the county included in the election district of the office sought by the individual filing the petition.

(d) The person with whom the petition of nomination must be filed under subsection (a) shall:

(1) determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and

(2) do one (1) of the following:

(A) If the petition includes a sufficient number of signatures, certify the petition.

(B) If the petition has an insufficient number of signatures, deny the certification.

(e) The secretary of state shall, by noon on the date specified under IC 3-8-7-16 for the certification of candidates and public questions by the election division:

(1) certify; or

(2) deny certification under subsection (d) to;

each petition of nomination filed in the secretary of state's office to the appropriate county.



(f) The commission shall provide that the form of a petition of nomination includes the following information:

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(g) A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.

(h) If the person with whom the petition was filed denies certification under subsection (d), the person shall notify the candidate immediately by certified mail.

(i) A candidate may contest the denial of certification under subsection (d) based on:

(1) the circuit court clerk's or board of registration's failure to certify, under section 8 of this chapter, qualified petitioners; or

(2) the determination described in subsection (d)(1);

using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination.

SECTION 5. IC 3-9-1-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.5. (a) This section applies to the following candidates:

(1) A candidate for a local office for which the compensation is less than five thousand dollars (\$5,000) per year.

(2) A candidate for a school board office.

(b) A candidate shall have a principal committee.

(c) Not later than noon ten (10) days after either:

(1) the candidate receives more than ~~five hundred one thousand~~ dollars ~~(\$500)~~ **(\$1,000)** in contributions; or

(2) the candidate makes more than ~~five hundred one thousand~~ dollars ~~(\$500)~~ **(\$1,000)** in expenditures;

whichever occurs first, the candidate shall file a written instrument designating the name of the principal committee and the names of the chairman and treasurer of the committee.

(d) This designation may be made on the same instrument as the



1 statement of organization required from the principal committee.

